IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: April 28 , 2010

Criminal Revision No.1552 of 2004

Gurcharan Singh .....Petitioner

Versus

State of Punjab .....Respondent

Criminal Revision No. 1962 of 2004

Jawla Singh .....Petitioner

Versus

State of Punjab .....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.Mohd. Yusuf, Advocate for the petitioner.
(in Criminal Revision No. 1552 of 2004)

Mr.D.S.Dalee, Advocate for the petitioner
(in Criminal Revision No.1962 of 2994)

Mr.Amandeep Singh Rai,Assistant
Advocate General, Punjab

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Sabina, J.

Vide this order, the above-mentioned two criminal revision petitions are being disposed of by a common order as they have arisen out of common judgment dated 19.7.2004 passed by the Additional Sessions Judge,(Adhoc), Fast Track Court, Sangrur.

Petitioners were convicted and sentenced for an offence under Sections 411,467,468,471 and 120-B of the Indian Penal Code vide judgment dated 29.5.2001 passed by the Judicial Magistrate Ist Class Sunam. Aggrieved by the same, petitioners filed the appeals and the same (appeals filed by Jawla Singh and Gurmail Singh) were partly allowed to the extent that they were acquitted of the offence under Section 411 IPC whereas the appeals against their conviction and sentence under Sections 120-B/467/468 & 471 IPC were dismissed by the Additional Sessions Judge (Adhoc) Fast Track Court Sangrur vide judgment dated 19.7.2004.Hence, the present appeals.

The brief facts of the case, as noticed by the appellate Court in paras 2 to 4 of its judgment, read as under:-

> "2.The brief facts of the case are that on 19.8.1998, SI/SHO Sardara Singh, P.S. Lehra received a secret information that accused Gurcharan Singh, Jawala Singh, Gama Singh, Joga Singh and Dharamvir Singh are stealing scooters from the area of Lehra, Sunam and some other places and they often changed their scooter numbers and model and forged duplicate numbers and kept in their possession for sale to innocent persons. The accused also forged seal of Transport Officers for preparation of forged RCs. The accused also kept the blank RCs which they use for forging some number and put signatures of the concerned officers and

many stolen scooters can be recovered alongwith forged registration certificates and other articles can also be recovered. On the basis of secret information, FIR under Sections 379/411/467/471/420 IPC was registered against the accused and investigation was started. On 24.8.1998, SI Sardara Singh alongwith other police officials started for investigation. He received secret information that accused Gurcharan Singh and Shingara Singh were coming from Jakhal to Lehra on scooters and they can be apprehended. SI Sardara Singh laid trap and arrested accused Shingara Singh and Gurcharan Singh. Shingara Singh accused was driving scooter Bajaj Chetak bearing registration No. PB-03E/3155 whereas accused Gurcharan Singh was driving scooter bearing registration No. PB-13G/0313. From the diggi of the scooter of Shingara Singh, the following registration certificates were recovered which are as under:-

Sno	***RC number***	***Owner***
1	PB-03/3155	Jaswant Singh son of Gurmail Singh r/o Bhaini Bagga, Bathinda transferred in the name of Harmel Singh s/o Lal Singh r/o Tunga by registration authority, Patiala
2	PB-03F/6567	In the name of Gurcharan Singh s/o Kartar Singh r/o Chathe issued by DTO Patiala
3	Two RCs No.PB-04A/0597	One in the name of Gurmit Singh s/o Shamsher Singh r/o Bhaton, Distt. Faridkot bearing chasis No. 975254 which was new second RC in the name of Dharamvir Singh son of Hardev Singh resident of Chathe issued by DTO Patiala bearing chasis No.975294
4	RC No.PB13D/6812	Shingara Singh s/o Ram Singh r/o Majhi, District Sangrur
5	PB-04D/5191	Gurcharan Singh s/o Kartar Singh r/o Chathe issued by DTO Patiala
6	PB-03F/6397	Joginder Singh son of Hrdev Singh r/o Dashmesh Nagar Bathinda, issued by DTO Bhatinda
7	Duplicate RC PB-10/6996	Balwant Singh, s/o Jai Singh Shimla Colony, Ludhiana tansferred in the name of Darshan Singh r/o Chahe issued by DTO Patiala There is cutting of numbers of this RC

3. Apart from the above, two RCs bearing signatures of DTO Ropar and DTO Ferozepur which were blank. Four RCs bearing signatures and seals of DTO Amritsar, DTO Kapurthala, two driving licences bearing seals of DTO, which were also blank. One box, chasis number, stamp pad, one seal regarding tax and one regarding period of registration on which word `PB' was written. A round seal bearing impression of DTO, a different stamp and six seals of DTO of different different district and three identity cards bearing No. 15255 dated 1.4.1991 in the name of Harjinder Singh Chathe, but bears photographs of Shingara Singh, driving licence No. 35460 dated 2.4.1998 in the name of Jaswant Singh of Dharamjot, driving licence No. 2566 in the Raghbir Singh of Majhi and five passport size photographs of different persons were recovered, which were taken into possession. On checking of diggi of the scooter of Gurcharan Singh, RC of scooter No. PB-13G/0313 was recovered, which was in the name of Jawala Singh s/o Bhag Singh r/o Sunam issued by DTO Sangrur. Scooter and RC were also taken into possession.

4. On 25.8.1998 Gurcahran Singh accused made a disclosure statement that he has hidden six stolen scooters bearing forged numbers in the area of village Khandebad. Thereafter, accused Gurcharan Singh got recovered six scooters bearing registration Nos. PB-03F/6567 Vespa, PB-13D/6812 Vespa, PB-03F/6397 Chetak, PB-04D/5191 Chetak, PB/10C/6946 Chetak, PB-04A/0597 which were taken into possession. Gurmail Singh @ Gama and Jawala Singh were also arrested in FIR 73 dated

14.8.1988 under Section 379/34 IPC by the order of Judicial Magistrate Ist Class Mansa where they were produced by ASI Gurcharan Singh who had taken over the investigation. Then these accused were remanded to police custody. During police custody, Jawala Singh made disclosure statement that he had hidden seven seals of different DTOs in his residential house. Accused Gurmail Singh also made disclosure statement that he had hidden nine panches put in a plastic box and then, in a plastic paper and hidden on right side of his residential house which were used for changing engine and chasis number of the scooters. Then the accused got recovered the seals and panches, which were taken into possession. After completion of the investigation, the challan was presented in the Court"

During the course of arguments, learned counsel for the petitioners, have not challenged the conviction of the petitioners under Sections 467,468,471 and 120-B IPC but have submitted that the sentence qua imprisonment be reduced to already undergone by the petitioners. Learned counsel have further submitted that the petitioners are the only bread earners of the family and are facing the criminal proceedings since the year 1998.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioners, these are fit cases where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioners.

Hence, the conviction of the petitioners under Sections 467,468,471 and 120-B IPC is maintained. However, the sentence qua the

imprisonment of the petitioners is reduced to already undergone by them. Fine, if not deposited by the petitioners, be deposited within two months from today failing which the revision petition shall stand dismissed.

Petitions stand disposed of accordingly.

(Sabina)
Judge

April 28, 2010
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